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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 MD ABUBAKAR HOSSAINPK and
13 MST SHALEHA HOSSAIN, d.b.a.,
14 SOHAN AMERICA MARKET,

15 Plaintiffs,

16 v.

17 THE UNITED STATES OF AMERICA,

18 Defendant.

No. SACV 15-02107 AG (KESx)

ANSWER TO FIRST AMENDED
COMPLAINT

19 Defendant United States of America answers Plaintiffs' First Amended Complaint
20 and admits, denies and alleges as follows:
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I. JURISDICTION AND VENUE

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2 1. Answering paragraph 1, Defendant states the paragraph contains Plaintiffs'
3 characterization of the allegations, to which no answer is required. To the extent an
4 answer is deemed necessary, Defendant denies the allegations.

5 2. Answering paragraph 2, Defendant states the paragraph contains Plaintiffs'
6 description of jurisdictional allegations, to which no answer is required. To the extent an
7 answer is deemed necessary, Defendant denies the allegations.

8 3. Answering paragraph 3, Defendant states the paragraph contains Plaintiffs'
9 characterization of venue allegations, to which no answer is required. To the extent an
10 answer is deemed necessary, Defendant admits that the relevant acts occurred at
11 Plaintiffs' place of business in Anaheim, California. Defendant denies the remainder of
12 the allegations contained in this paragraph.

13 4. Answering paragraph 4, Defendant states the paragraph contains Plaintiffs'
14 characterization of venue allegations, to which no answer is required. To the extent an
15 answer is deemed necessary, Defendant denies the allegations.

II. PARTIES

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17 5. Answering paragraph 5, Defendant admits that Md Abubakar Hossainpk and
18 Mst Shaleha Hossain were the owners of Sohan America Market, doing business at 327
19 South Lemon Street in Anaheim, California 92805, during the time period relevant to
20 this action. Defendant lacks sufficient information to admit or deny the remaining
21 allegations in this paragraph and, on that basis, denies them.

22 6. Answering paragraph 6, Defendant states the paragraph contains Plaintiffs'
23 characterization of the allegations, to which no answer is required. To the extent an
24 answer is deemed necessary, Defendant denies the allegations.

III. PROCEDURAL HISTORY

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26 7. Answering paragraph 7, Defendant admits that Jocelyn Keh sent a letter to
27 Plaintiffs dated July 8, 2015, charging them with trafficking violations. Defendant
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1 denies the remaining allegations contained in this paragraph, and further states the cited
2 document speaks for itself.

3 8. Answering paragraph 8, Defendant admits that Plaintiffs' counsel sent a letter
4 to the U.S. Department of Agriculture ("USDA") dated July 28, 2015, in response to Ms.
5 Keh's letter dated July 8, 2015. Defendant denies the remaining allegations contained in
6 this paragraph, and further states the cited document speaks for itself.

7 9. Answering paragraph 9, Defendant admits that Ms. Keh sent a letter to counsel
8 for Plaintiffs dated August 17, 2015. Defendant denies the remaining allegations
9 contained in this paragraph, and further states the cited document speaks for itself.

10 10. Answering paragraph 10, Defendant admits that the USDA Administrative
11 Review Office sent to Plaintiffs a Final Agency Decision dated November 18, 2015.
12 Defendant further states the cited document speaks for itself.

13 11. Answering paragraph 11, Defendant admits the allegations, and further states
14 the cited document speaks for itself.

15 12. Answering paragraph 12, Defendant states the paragraph contains Plaintiffs'
16 description of jurisdictional allegations, to which no answer is required. To the extent an
17 answer is deemed necessary, Defendant denies the allegations.

18 13. Answering paragraph 13, Defendant states the paragraph contains Plaintiffs'
19 characterization of the action, to which no answer is required. To the extent an answer is
20 deemed necessary, Defendant denies the allegations.

21 **IV. FACTS COMMON TO ALL CAUSES OF ACTION**

22 14. Answering paragraph 14, Defendant admits that Jocelyn Keh sent a letter to
23 Plaintiffs dated July 8, 2015, charging them with trafficking violations. Defendant
24 denies the remaining allegations contained in this paragraph, and further states the cited
25 document speaks for itself.

26 15. Answering paragraph 15, Defendant admits that Jocelyn Keh sent a letter to
27 Plaintiffs dated July 8, 2015, charging them with trafficking violations. Defendant
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1 denies the remaining allegations contained in this paragraph, and further states the cited
2 document speaks for itself.

3 16. Answering paragraph 16, Defendant admits that Plaintiffs sent a letter to the
4 USDA dated July 28, 2015, in response to Ms. Keh's letter dated July 8, 2015.
5 Defendant denies the remaining allegations contained in this paragraph, and further
6 states the cited document speaks for itself.

7 17. Answering paragraph 17, Defendant admits that Jocelyn Keh sent a letter to
8 Plaintiffs dated July 8, 2015, charging them with trafficking violations. Defendant
9 denies the remaining allegations contained in this paragraph, and further states the letter
10 speaks for itself.

11 18. Answering paragraph 18, Defendant admits that Plaintiffs sent a letter to the
12 USDA dated July 28, 2015, in response to Ms. Keh's letter dated July 8, 2015.
13 Defendant denies the remaining allegations contained in this paragraph, and further
14 states the letter speaks for itself.

15 19. Answering paragraph 19, Defendant admits that Jocelyn Keh sent a letter to
16 Plaintiffs dated July 8, 2015, charging them with trafficking violations. Defendant
17 denies the remaining allegations contained in this paragraph, and further states the letter
18 speaks for itself.

19 20. Answering paragraph 20, Defendant admits that Plaintiffs sent a letter to the
20 USDA dated July 28, 2015, in response to Ms. Keh's letter dated July 8, 2015.
21 Defendant denies the remaining allegations contained in this paragraph, and further
22 states the letter speaks for itself.

23 21. Answering paragraph 20, Defendant admits that Jocelyn Keh sent a letter to
24 Plaintiffs dated July 8, 2015, charging them with trafficking violations. Defendant
25 denies the remaining allegations contained in this paragraph, and further states the letter
26 speaks for itself.

27 22. Answering paragraph 22, Defendant admits that Plaintiffs sent a letter to the
28 USDA dated July 28, 2015, in response to Ms. Keh's letter dated July 8, 2015.

1 Defendant denies the remaining allegations contained in this paragraph, and further
2 states the letter speaks for itself.

3 23. Answering paragraph 23, Defendant admits that Plaintiffs sent a letter to the
4 USDA dated July 28, 2015, in response to Ms. Keh's letter dated July 8, 2015.
5 Defendant denies the remaining allegations contained in this paragraph, and further
6 states the letter speaks for itself.

7 24. Answering paragraph 24, Defendant admits that Plaintiffs sent a letter to the
8 USDA dated July 28, 2015, in response to Ms. Keh's letter dated July 8, 2015.
9 Defendant denies the remaining allegations contained in this paragraph, and further
10 states the letter speaks for itself.

11 25. Answering paragraph 25, Defendant admits that Ms. Keh sent a letter to
12 counsel for Plaintiffs dated August 17, 2015. Defendant denies the remaining
13 allegations contained in this paragraph, and further states the cited document speaks for
14 itself.

15 26. Answering paragraph 26, Defendant admits that Plaintiffs sent a letter to the
16 USDA's Administrative Review Branch dated August 24, 2015. Defendant denies the
17 remaining allegations contained in this paragraph, and further states the letter speaks for
18 itself.

19 27. Answering paragraph 27, Defendant admits that Plaintiffs sent a letter to
20 USDA's Administrative Review Officer dated September 18, 2015. Defendant denies
21 the remaining allegations contained in this paragraph, and further states the letter speaks
22 for itself.

23 28. Answering paragraph 28, Defendant admits that the USDA's Administrative
24 Review Office sent to Plaintiffs its Final Agency Decision dated November 18, 2015.
25 Defendant admits the remaining allegations contained in this paragraph, and further
26 states the cited document speaks for itself.

27 29. Answering paragraph 29, Defendant lacks sufficient information to admit or
28 deny the allegations and, on that basis, denies the allegations.

30. Answering paragraph 30, Defendant admits the allegations.

31. Answering paragraph 31, Defendant denies the allegations.

V. FIRST CAUSE OF ACTION

**REVERSAL OF PERMANENT DISQUALIFICATION FROM THE
USDA FNS SNAP PROGRAM BY DE NOVO JUDICIAL REVIEW**

32. Answering paragraph 32, Defendant repeats the responses set forth in paragraphs 1 through 31 as though fully set forth herein.

33. Answering paragraph 33, Defendant states the paragraph contains Plaintiffs' characterization of the allegations, to which no answer is required. To the extent an answer is deemed necessary, Defendant denies the allegations.

34. Answering paragraph 34, Defendant denies the allegations.

35. Answering paragraph 35, Defendant denies the allegations.

36. Answering paragraph 36, Defendant denies the allegations.

37. Answering paragraph 37, Defendant denies the allegations.

38. Answering paragraph 38, Defendant lacks sufficient information to admit or deny the allegations and, on that basis, denies the allegations.

39. Answering paragraph 39, Defendant lacks sufficient information to admit or deny the allegations and, on that basis, denies the allegations.

VI. PRAYER FOR RELIEF

Plaintiffs' prayer for relief does not require a response, but to the extent a response is required, Defendant denies that Plaintiff is entitled to judgment or to the relief sought.

Defendant hereby specifically denies each and every allegation of the First Amended Complaint not otherwise expressly admitted or otherwise answered.

VII. DEMAND FOR JURY TRIAL

The allegations in this paragraph constitute Plaintiffs' demand for a jury trial, to which no response is required. To the extent a response is required, Defendant denies that Plaintiffs are entitled to a jury trial.

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AFFIRMATIVE DEFENSES

Defendant specifically denies all of the allegations contained in the First Amended Complaint not previously answered. For further and separate answer, Defendant alleges as follows:

1. The United States, its agencies and employees complied with the requirements of the Food Stamp Act, 7 U.S.C. § 2011 et seq., and the regulations issued thereunder with respect to the incidents and actions which are the subject of the First Amended Complaint.

2. There is no provision for a jury trial for the incidents and actions which are the subject of the First Amended Complaint. 7 U.S.C. § 2023(a)(15).

3. The Court may review the severity of the penalty imposed by the Secretary of USDA only to ascertain that the penalty was neither arbitrary nor capricious.

WHEREFORE, Defendant prays:

(a) for a judgment dismissing Plaintiff's First Amended Complaint and awarding to Defendant its costs and disbursement in this action;

(b) for such other and further relief as the Court may deem just and proper.

Dated: April 4, 2016

EILEEN M. DECKER
United States Attorney
DOROTHY A. SCHOUTEN
Assistant United States Attorney
Chief, Civil Division

/S/ Monica L. Miller
MONICA L. MILLER
Assistant United States Attorney

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United States of America